



NEW LAWS

[2023 WISCONSIN ACT 20](#)

2023 Assembly Bill 321

Effective Date: July 21, 2023, with exceptions

READING INSTRUCTION AND EARLY LITERACY

This Act includes significant statutory revisions to many areas associated with reading instruction and early literacy in Wisconsin. This New Laws Bulletin attempts to address the aspects of Act 20 that will have the most significant effects on, and be of the greatest interest to, school districts. However, some details of the Act are not covered herein.

Changes Effecting Department of Public Instruction

This new law creates an Office of Literacy within the Department of Public Instruction (DPI). Under the new law, it will be the responsibility of the Office to establish and supervise the early literacy coaching program (*discussed in greater detail below*) for the purpose of improving literacy outcomes. (*Note: The statutory language creating the Office of Literacy is repealed by Act 20 effective July 1, 2028, indicating that the office is only temporary through July 1, 2028.*)

In addition, this new law creates a Council on Early Literacy Curricula within the DPI. The Council will include nine members who have knowledge of, or experience with, science-based early literacy instruction and literacy curricula for pupils in grades kindergarten to third grade. Some of the specific duties of the Council are discussed below.

Changes Effecting Teacher Preparatory Programs and Teacher Licensure

This new law modifies certain requirements for teacher preparatory programs and teacher licensure. To be approved by the state superintendent, a teacher preparatory program must demonstrate that it provides instruction that prepares teachers to teach reading and language arts using “science-based early reading instruction” and that it does not provide instruction on teaching reading and language arts in a manner that incorporates “three-cueing” as these terms are newly defined within the statutes. Concerning teacher license applications received by DPI on or after July 1, 2025, instruction received by the applicant must have prepared the applicant to teach reading and language arts using science-based early reading instruction. Further, for licenses issued on or after July 1, 2026, instruction received by the applicant may not include three-cueing as a method to teach reading and language arts.

New Early Literacy Coaching Program

This new law creates an early literacy coaching program under which the Office of Literacy will contract with not more than 64 full-time equivalent literacy coach positions. Individuals considered for literacy coaching positions must demonstrate knowledge and expertise in science-based early literacy instruction and instructional practices and have instructional experience in kindergarten to twelfth grade. As part of the literacy coaching program, the Office will supervise contracted literacy coaches and provide ongoing

training concerning science-based early literacy instruction and instructional practices. Finally, the Office will prohibit literacy coaches from using or promoting instruction that includes “three-cueing,” which is a newly defined term under the Act (*see Wis. Stat. § 118.015 (1c)(c)*).

For purposes of determining which schools will receive literacy coaching services, one-half of the literacy coaches must be assigned to eligible schools that are identified as having lowest percentage of pupils scoring proficient in reading or having the largest gap in pupils who scored as proficient in reading. The other half of the positions are to be assigned, in consultation with cooperative educational service agencies, to eligible schools that request early literacy support. In all cases, there are additional allocation limitations that apply (e.g., geographically, by district, and by the type of school). In addition, certain coaches may be assigned to no more than three schools at any one time. For purposes of this area of the new law, eligible schools include public schools, independent charter schools, and private schools participating in a parental choice program. (*Note: Act 20 repeals the early literacy coaching program effective July 1, 2028. Thus, at least initially, the program is intended to be temporary.*)

Changes Effecting Early Literacy Curricula and Instructional Materials

(Note: For purposes of this section, the term “school” includes public school boards, operators of charter schools, and governing bodies of private schools participating in a parental choice program.)

This new law makes significant modifications to current statutory language concerning reading instruction. For example, this law adds new statutory definitions for reading and literacy related terms including “phonics,” “science-based early reading instruction,” and “three-cueing.” Note that, under this law, schools are no longer allowed to purchase curricula or instructional materials that include three-cueing. Moreover, beginning in the 2024-25 school year for pupils in kindergarten to third grade, schools are restricted from providing instruction that incorporates three-cueing in the core reading curriculum or in supplemental materials, including materials used for reading intervention.

In addition, beginning with the 2023-24 school year, this law requires the Council on Early Literacy Curricula to recommend early literacy curricula and instructional materials to DPI for use in the following school year in kindergarten to third grade. The Council will make recommendations to DPI annually that must include all of the components of science-based early reading instruction and must not include three-cueing. For schools that adopt the Council-recommended literacy curriculum after January 1, 2024, grant money will be available from DPI to reimburse up to one-half of the costs of purchasing the recommended literacy curriculum and instructional materials.

Changes Effecting Performance and Accountability Reports

This new law adds an additional indicator of academic achievement that will be part of future school and school district performance reports. Effective July 1, 2024, indicators of academic achievement will include (among other existing measures) the performance of pupils on early literacy assessments from five-year-old kindergarten to third grade. (*See below for more information about these assessments.*)

Act 20 also adds a new component for the school and school district accountability reports published annually by DPI by November 30. Specifically, beginning with reports published for the 2024-25 school year, the reports will include the percentage of pupils reading at grade level by the end of third grade. (*Note: This change does not apply to union high school districts or schools not offering third grade.*)

New Reading Readiness Assessments – Effective July 1, 2024:

Through June 30, 2024 (i.e., during the 2023-24 school year), school districts must continue to annually administer an assessment of literacy fundamentals, selected by the school board, to each pupil enrolled in 4-year-old kindergarten to 2nd grade. The school district must report the results of a pupil's literacy assessment to the pupil's parent or guardian. If the literacy assessment indicates that a pupil is at risk of reading difficulty, the school district must provide the pupil with interventions or remedial reading services, as further described under state law. *(Note: This existing requirement also continues to apply to independent charter schools during the 2023-24 school year.)*

Effective at the beginning of the 2024-25 school year, Act 20 makes significant modifications to the requirements for reading readiness assessments. Some of the more notable changes under the new law include the following:

- Screening requirements for four-year-old kindergarten: Under the new law, at least twice during the school year, school boards and operators of independent charter schools shall annually assess the early literacy skills of pupils enrolled in four-year-old kindergarten. Skills will be measured using a fundamental skills screening assessment selected by DPI. The first screening assessment must be administered within the first 45 days of the school term, and the second screening assessment must be administered not less than 45 days before the last day of the school term. DPI will provide the reading readiness assessments to school districts and independent charter schools at no cost for four-year-old kindergarten.
- Early literacy assessments from five-year-old kindergarten through third grade: Under the new law, school boards and operators of independent charter schools shall annually assess the early literacy skills of each pupil enrolled in five-year-old kindergarten to third grade. Assessments will include a combination of universal screenings selected by DPI (3 times during the school year) as well as diagnostic assessments for those instances where universal screenings indicate a student is at-risk (i.e., scores below the 25th percentile) or if a teacher or parent who suspects that a pupil has the characteristics of dyslexia submits a request for a diagnostic assessment. Act 20 sets forth detailed requirements for diagnostic assessments. The DPI will maintain a list of approved diagnostic assessments.

Concerning universal screening assessments, DPI will provide these assessments to school boards and operators of independent charter schools at no cost. However, concerning diagnostic assessments, the State has budgeted \$2,151,000 for the 2023-24 school year and an additional \$2,151,000 for the 2024-25 school year to reimburse school boards or operators of independent charter schools up to the per pupil cost for required diagnostic assessments. For the 2025-26 school year, DPI may reimburse the costs of a diagnostic assessment only if the school board or operator of an independent charter has met specific reporting requirements, as outlined further in the statute.

- Parent Notification of Assessment Results: A school board or operator of an independent charter school must provide the results of a reading readiness assessment, in writing, to a pupil's parent no later than 15 days after the reading readiness assessment is scored. In certain circumstances, the parent notice must include information about how to make a special education referral. Additionally, school districts must provide certain information about dyslexia to parents of pupils who qualify for a diagnostic assessment.

- **Reporting requirements:** Under the new law, no later than July 15, 2025, and each July 15 thereafter, school boards and operators of independent charter schools will be responsible for reporting assessment data to DPI. Reports will be required for each school and for the school district or for the independent charter school, respectively, and must include certain data as outlined further in the statute.

New Requirement for Creation of a Personal Reading Plan for At-Risk Students

Under the new law, if a pupil enrolled in five-year-old kindergarten to third grade is identified as at-risk based on a universal screening or diagnostic assessment, the school board or operator of the independent charter school will be required to take all the following steps:

- Create a personal reading plan for the pupil that includes each of the elements contained within the statute (*see Wis. Stat. § 118.016 (5)(a)1*).
- Provide the interventions described in the pupil's personal reading plan, as soon as practicable.
- Using the method described in the pupil's personal reading plan, monitor progress at least weekly to determine whether the pupil demonstrates an inadequate rate of progress.
- Provide a copy of the pupil's personal reading plan to the pupil's parent and obtain a signed copy of the plan from the pupil's parent.
- After providing the interventions described in the pupil's personal reading plan for ten weeks, notify the pupil's parent of the pupil's progress.

New Requirement for Creation of an Early Literacy Remediation Plan

Under the new law, school boards and operators of independent charter schools will be required to establish an early literacy remediation plan for five-year-old kindergarten to third grades that includes all of the following:

- The assessments that will be used to satisfy the new early learning assessment requirements.
- A description of the interventions that will be used to address characteristics of dyslexia.
- A description of how pupil progress will be monitored during reading-related interventions, including the frequency of monitoring and any assessment tools used to monitor progress during interventions.
- How the results of early literacy assessments administered in 5K through third grade will be used to evaluate the early literacy instruction being provided in the school district or at the independent charter school.
- A parent notification policy that reflects certain statutory parent notification requirements.

The early literacy remediation plan must be posted on the school district's or independent charter school's website.

Complaints Regarding Compliance with Reading Assessments and Interventions/Remediation

If a parent or guardian of a pupil enrolled in 4-year-old kindergarten to 3rd grade in a school district or independent charter school believes that the school board or operator of the independent charter school is

not in compliance with the requirements of section 118.016 of the state statutes, as recreated by Act 20 (i.e., the mandates and procedures related to conducting reading readiness assessments and for providing and monitoring appropriate interventions), the parent or guardian may file a complaint with the DPI. If the DPI determines that a school board or charter school operator is not in compliance, the DPI will notify the school board or operator of the determination and identify the specific actions required to come into compliance. Continuing noncompliance can also be addressed in the courts.

New School Board Policy Requirement for Promoting Pupils to Fourth Grade

Act 20 includes a requirement that, by July 1, 2025, each school board, operator of an independent charter school, and governing body of a private school participating in a parental choice program shall adopt a written policy specifying the criteria for promoting a pupil from third to fourth grade. Beginning on September 1, 2027, a pupil may not be promoted from third grade to fourth grade unless the pupil satisfies the criteria for promotion specified in the applicable policy.

The pupil promotion policies adopted by school boards and operators of independent charter schools must address certain components, and DPI is required to establish a model policy by January 1, 2025. The content requirements include the following:

- The promotion criteria.
- For a pupil **promoted** to 4th grade who had a personal reading plan during the 3rd grade and who is **not** considered to have successfully completed the plan (as “completion” is further defined by statute), the policy must (1) address the services, supports, and monitoring that the school will provide to the pupil; (2) provide for notifying the pupil’s parent or guardian of the student’s non-completion of the plan and the relevant services and supports that will be provided; and (3) provide for a summer reading program that the pupil can participate in each summer until the pupil reaches grade-level proficiency. The policy must also include various good cause exceptions to these intervention, support, and parental notice requirements—such as exceptions that apply to certain students who have disabilities.

Because private schools participating in a parental choice program will not be required to administer annual reading readiness assessments or provide personal reading plans, the grade-level promotion policy requirements for those private schools are different.

New Professional Development Requirements for Teachers, Principals, and Reading Specialists

This new law requires that each school board and operator of a charter school shall ensure that, by July 1, 2025, or for an individual hired after January 1, 2025, but before July 1, 2025, by no later than six months after the individual’s date of hire, each individual who teaches from kindergarten to third grade, each individual employed by the school board or charter school as a principal of a school that offers kindergarten to third grade, and each individual employed by the school board or charter school as a reading specialist has received professional development training related to early reading instruction, the requirements for which are established in the statute. *(Note: Act 20 is fairly restrictive regarding the acceptable sources and required content for this professional development mandate. Significantly, this training mandate does not extend to individuals hired on or after July 1, 2025.)*

Notes: The full text of this Act can be found at: <https://docs.legis.wisconsin.gov/2023/related/acts/20>.